

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JULY 19, 2023**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, July 19, 2023 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237. The meeting was also held virtually via remote audio and video conferencing.

Council President John Parks called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

COUNCIL MEMBERS:

Jiang Lipresent
Brian S. Malkinpresent
Lucas R. Myslinski, Vice Presidentpresent
Uday Palledpresent
John P. Parks, Presidentpresent
Thomas C. Schwartzmier, Second Vice Presidentpresent
Junior Councilperson Ava DiGiacomopresent
Mayor Dennis E. O'Keefepresent

BOROUGH ENGINEER:

Dave Kovac, Lennon, Smith, Souleret Engineering, Inc.present

SOLICITOR:

Robert Max Junker, Babst Callandpresent

STAFF:

Zach Brower, Recreation Program Directorpresent
Gary Bucuren, Superintendent of Public Works.....present
Cindy Crain, Finance Director/Borough Treasurer.....present
Rege Ebner, Borough Managerpresent
Walt Healy, Police Chief.....absent
Jim Huff, Manager of Golf Course & Parks Facilitiespresent
Cathy Krummert, Borough Secretarypresent
Andy Nock, Assist. Bldg. Insp./Fire & Tech Official.....present
Tim Phillips, Building Inspector/Zoning Officer.....present
Sam Snyder, Police Lieutenant.....present

PRELIMINARY MATTERS

CHECK PRESENTATION FOR LOCAL SHARE ACCOUNT GRANT FOR THE PUBLIC WORKS BUILDING ADDITION PROJECT - State Representative Arvind Venkat of the Pennsylvania House of Representatives presented a check in the amount of \$500,000 to the Borough.

BICENTENNIAL PRESENTATIONS -

- Mr. Jeff King, Chief of Staff for State Senator Devlin Robinson's office, presented a Citation to the Borough from the Pennsylvania State Senate.
- State Representative Arvind Venkat presented a Citation to the Borough from the Pennsylvania House of Representatives.
- Representative Suzanne Filiaggi, Esq., presented a Proclamation to the Borough from the Allegheny County Council and provided comments regarding the Boroughs Bicentennial.
- Mr. Chris Cap, Executive Director of the Pennsylvania State Association of Boroughs presented a plaque to the Borough in honor of the Bicentennial.

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RECOGNITION OF AVA DIGIACOMO, OUTGOING JUNIOR COUNCIL PERSON - Mr. Chris Cap, Executive Director of the Pennsylvania State Association of Boroughs presented Miss DiGiacomo with a Distinguished Junior Council Person Award.

PUBLIC COMMENTS

The following attended the meeting in person and commented:

George Shevchik, 2509 Acorn Court read a letter from his daughter and son-in-law, Alexandria and Joseph Shevchik, owners of property on Carriage Lane, commenting on the slope between Carriage Lane and Windsor Court in the Willow Ridge Plan and asking that the slope be fixed to a 4:1 slope. Mr. Shevchik asked that the dangerous situation be taken care of.

Lynn Fletcher, 2681 Hunters Point Drive requested that the Borough ask PennDOT to perform a decibel level noise study in the hope that a sound barrier wall could be put up along I-79 due to increased traffic noise and the loss of trees and that the barrier be funded by the state and/or federal government.

Susan Stepchuk, 2690 Hunters Point Drive requested that the Borough ask PennDOT to perform a noise study and install a barrier along I-79 due to increased traffic noise that is affecting property values in the area. Mr. Parks stated that Council discussed this matter during the pre-meeting this evening and it will be discussed in the future.

Ray Ojerholm, 2540 Country Side Lane was present with the new pastor of Trinity Lutheran Church to commend the Fire Company's recent response to an incident at Trinity Lutheran Church. He thanked the fire fighters for their volunteer service, expressed gratitude on behalf of the Church and presented a donation to the Fire Company on behalf of the Church.

Leonard Pruckner, 1528 Sandhurst Drive asked his son, Mark Pruckner, to read a letter opposing the placement of a communications tower on Clover Hill Golf Course property, although they understand that final decisions have not yet been made. He encouraged Council to look elsewhere.

Hazel Pruckner, 1528 Sandhurst Drive expressed concern regarding the possible location of a cell tower near her house and commented that Franklin Park is a great place to live.

Mark Frankel, 2588 Grouse Ridge commented regarding the noise from I-79, and he stated that he would appreciate anything Council can do to further the sound study that PennDOT should do to have a sound wall installed along I-79.

Jim Reed, 1625 Carriage Lane commented on the slope between Carriage Lane and Windsor Court in the Willow Ridge Plan and asked that the Borough not accept the Willow Ridge Plan until this is rectified and made safe.

Andrew Hrishenko, 1632 Carriage Lane passed out handouts and commented regarding the slope between Carriage Lane and Windsor Court in the Willow Ridge Plan, a previous Court Order regarding Carriage Lane and damages to his property.

Nicolle Shevchik, 2509 Acorn Court continued reading Mr. Hrishenko's comments since his five minute comment period had ended before he could finish. He suggested that Council table the motion regarding the Willow Ridge Plan until restitution is made for the damage to his property.

Charles Horton, 1654 Farmington Court commented regarding Council's pre-meeting discussions regarding a draft RFP for cell and radio coverage and asked that the RFP be made public and the RJM Study results be shared prominently on the website. Mr. Parks stated that the RJM Study is located on the website. Mr. Ebner stated that the RFP is for a consultant to help us determine where the infrastructure would be located.

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Mr. Parks noted that one written comment was submitted via email prior to this meeting, and it had already been read this evening.

APPROVAL OF THE MINUTES – Mr. Myslinski moved the minutes of the June 21, 2023 pre/post meeting, the June 21, 2023 regular meeting, and the July 5, 2023 work session, be approved, seconded by Dr. Li and carried.

TREASURER'S FINANCIAL REPORT – Mrs. Crain summarized the June Treasurer's Financial Report. The General Fund revenues for the month of June totaled \$1,825,942.00. Year-to-date total revenues are \$5,591,402.00, which represents 50% of the 2023 total budget. The General Fund expenditures for the month of June totaled \$1,222,857.00. Year-to-date total expenditures are \$4,745,048.00, which represents 36% of the 2023 total budget. Dr. Li moved the June Treasurer's Financial Report be accepted as read, seconded by Mr. Malkin and carried.

POLICE REPORT – Mayor O'Keefe read the Police Report and activity report for the month of June 2023. The police responded to 530 calls for service. Mr. Schwartzmier recommended the Police Report be filed with the Police Secretary.

FIRE COMPANY REPORT - Mr. Myslinski read the Fire Company Report for June 2023. Mr. Myslinski indicated that the fire company responded to 21 calls for the month and the manpower for the month totaled 510 volunteer hours.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for June 2023. Mr. Phillips issued 21 permits and collected \$16,740.00 in fees. Total value of construction was \$1,989,983.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Parks announced that Borough Council held an executive session on July 5, 2023 to discuss personnel and a potential property acquisition.

OLD BUSINESS

None

NEW BUSINESS

APPROVAL OF THE BILLS – Mr. Malkin moved Council authorize the payment of the bills, which have been reviewed and approved since the last meeting, seconded by Mr. Palled and carried.

ORDINANCE NO. 678-2023, ACCEPTING AND ADOPTING WINDSOR COURT AND ALL APPURTENANCES IN THE WILLOW RIDGE PLAN OF LOTS – Mr. Junker summarized Ordinance No. 678-2023. Mr. Schwartzmier moved to enact Ordinance No. 678-2023, accepting and adopting as a Borough street Windsor Court and all appurtenances in the Willow Ridge Plan of Lots, seconded by Mr. Myslinski and carried.

WILLOW RIDGE PLAN, RELEASE AND CANCEL DEVELOPMENT SECURITY – Mr. Myslinski moved Subdivision Performance Bond No. 800036016 in the amended amount of \$1,870.00 for the Willow Ridge Plan, be reduced by \$1,870.00 leaving a balance of \$0.00 and canceled, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated May 3, 2023, seconded by Mr. Schwartzmier and carried.

NORTHLAND LIBRARY THIRD QUARTER PAYMENT – Dr. Li moved the Treasurer's office be authorized to prepare a check in the amount of \$90,784.75 payable to Northland Library for the third quarter payment of 2023, seconded by Mr. Palled and carried.

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BLACK OAK INVESTMENTS OFFICE BUILDING, LETTER OF CREDIT REDUCTION – Mr. Palled moved Northwest Bank Letter of Credit Number 8305004940 issued in the original amount of \$663,350.00 for the Black Oak Investments Office Building, be reduced by \$23,410.00 leaving a balance of \$639,940.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated July 12, 2023, seconded by Mr. Malkin and carried.

RESOLUTION NO. 1335-2023, APPROVING THE CIVIL SERVICE COMMISSION'S AMENDMENTS TO ITS RULES AND REGULATIONS – Mr. Junker summarized Resolution No. 1335-2023. Mr. Myslinski moved to adopt Resolution No. 1335-2023, a joint Resolution of the Borough Council and the Civil Service Commission, approving the Civil Service Commission's amendments to its Rules and Regulations, seconded by Mr. Malkin and carried.

DEERFIELD ESTATES PLAN OF LOTS NO. 1, NEW SET-ASIDE AGREEMENT – Mr. Palled moved to authorize a new Set Aside Agreement for the increased security in the amount of \$622,634.00 required for the First Addendum to Development Agreement for the Deerfield Estates Plan of Lots No. 1, seconded by Mr. Myslinski and carried.

ACORN PARK PUMP TRACK DESIGN CONTRACT – Mr. Schwartzmier moved to enter into a Design Contract with American Ramp Company of Joplin, Missouri for professional design services to design a custom pump track in Acorn Park at a cost of \$5,000.00, seconded by Dr. Li and carried.

ACORN PARK PUMP TRACK BUILD CONTRACT – Mr. Malkin moved to enter into a Build Agreement with American Ramp Company of Joplin, Missouri for the construction of the Acorn Park Stabilized Pump Track at a cost of \$75,000.00 through Sourcewell National Contract No. 112420-ARC, seconded by Mr. Myslinski and carried.

ACORN PARK NATURE PLAYGROUND PURCHASE – Dr. Li moved to authorize the purchase of the Acorn Park Nature Playground from Play & Park Structures of Pittsburgh, PA, at a cost of \$159,276.68, under COSTARS Contract No. 014-E22-291, seconded by Mr. Palled and carried.

CHANGE ORDER NO. 1 FOR CONTRACT NO. 23-R01 TO INCLUDE SIDEWALKS IN THE SUMMER FIELDS PLAN – Mr. Myslinski moved to approve Change Order No. 1 for Contract No. 23-R01, Curb and Gutter Replacement Program for 2024 Road Paving Program, to include Add Alternate No. 1 and No. 2 (Summer Fields Sidewalks) to the Contract, with the exception of sidewalks along the frontage of 2521 and 2523 Brandt School Road, and to increase the Contract amount from \$187,500.00 to \$248,150.00, seconded by Mr. Schwartzmier and carried.

MAYOR O'KEEFE – Mayor O'Keefe presented Miss DiGiacomo with a Certificate of Recognition for her service as the Junior Council Person from August 17, 2022 to July 19, 2023 and acknowledged the program she developed entitled, "Why is Civic Responsibility Important"?

SOLICITOR – Congratulated Miss DiGiacomo and congratulated the Borough on the Bicentennial. Mr. Junker addressed the previous comments regarding Carriage Lane and the Willow Ridge Plan noting that he cannot summarize or address 25 years of litigation. The Willow Ridge Plan, as accepted tonight by ordinance, was consistent with the resolution that was passed approving the plan. The work that was set forth in the plan was shown inside the right of way of Carriage Lane. However, Mr. Hrishenko, as well as other residents, would not allow that work to occur. They also turned down the developer's offer to install a guiderail within the right of way of Carriage Lane as a proposed solution. The work does not violate any Court Order. The April 7th Court Order was a temporary Court Order that was entered at the close of a day of testimony that Mr. Junker and Mr. Phillips attended. It was supplanted and replaced by a Final Decree that was issued by Judge James later on January 3, 2017, including his Findings of Facts and Conclusions of Law, not the proposed Findings of Facts that have been presented as being a basis for this dispute. There is no mention of a slope in the Final Order. The steps that needed to be taken at that time were the undercut portion of Carriage Lane will be restored by the Greasers within 60 days to grade no more than 3:1 by the defendants. This Final Order also established that the right of way for Carriage Lane is only 20 feet, not 50 feet with 15 feet on each side, as well as established that the

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Greasers had a restricted easement onto Parcel B for residential uses. There was no requirement or ability to compel the developer to perform work that was off-site on other property that they did not have the permission of those owners, and they needed everybody's permission. That was the option that was given to them. It did not come to fruition. It moved forward to the acceptance ordinance that we have passed this evening. Any claims for damages by Mr. Hrishenko as he has mentioned here, are not the Borough's responsibility. It is a private matter for him and the developer if that is his belief that there were damages.

MR. MALKIN – Congratulated Miss DiGiacomo.

MR. MYSLINSKI – Congratulated Miss DiGiacomo, and congratulated Mr. Brower, Ms. Platt and the Parks staff on an amazing Festival in the Park. The Scholarship Golf Outing will be held on Monday, July 24th.

DR. LI – Congratulated Miss DiGiacomo.

MR. SCHWARTZMIER – Thanked Miss DiGiacomo and her sister Jackie who both served as Junior Council Persons.

AVA DIGIACOMO, JUNIOR COUNCILPERSON – Thanked the staff, Borough Council and the Mayor. She has learned so much over the past year serving as the Junior Council Person, and her respect and appreciation for this community has grown so much. It was an honor and a blessing to serve.

MR. PARKS – Congratulated Miss DiGiacomo.

SUPERINTENDENT OF PUBLIC WORKS

- Thanked Miss DiGiacomo for her service.

RECREATION PROGRAM DIRECTOR

- National Night Out will be held on August 1st.

FINANCE DIRECTOR/TREASURER

- Thanked Miss DiGiacomo for her service.

COMMENTS FROM THE FLOOR

Jim Reed, 1625 Carriage Lane disputed Mr. Junker's comments regarding the hazard caused by the slope at Carriage Lane and Windsor Court in the Willow Ridge Plan and stated that the builder did not do what he was supposed to do.

George Shevchik, 2509 Acorn Court expressed disappointment that Council would not comment regarding this matter this evening.

Mr. Junker stated that the Borough tried to facilitate an arrangement, but it has been impossible.

MOTION TO ADJOURN – Mr. Myslinski moved to adjourn the meeting, seconded by Mr. Schwartzmier and carried. The meeting adjourned at 9:27 p.m.

Respectfully submitted,


Cathy L. Krummert
Borough Secretary